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## Zoning and Other Tools for Implementation

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### Tools of Planning

- Local Planning Tools
  - Comprehensive Plan
  - Zoning, Subdivision Regulations
  - Other ordinances & codes

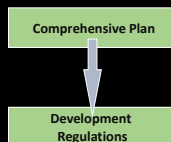


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### Comp Plans & Development Regs

The comprehensive plan provides a framework for growth policy and legal basis for regulations. Tools to implement the comprehensive plan:

- Zoning ordinance and subdivision regulations
- Design standards or other special regulations
- Annual budget and capital improvements



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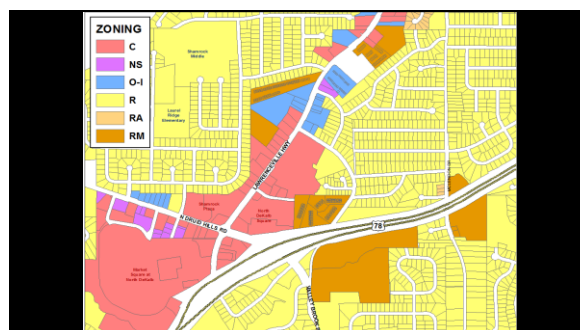
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### Future Development Map

- Map provides outline for how the jurisdiction intends to grow
- Map should be realistic image of future

The map shows a jurisdiction's future development outline. It includes a legend with various colored areas representing different growth patterns. The map is titled "Future Development Map" and includes a list of bullet points.

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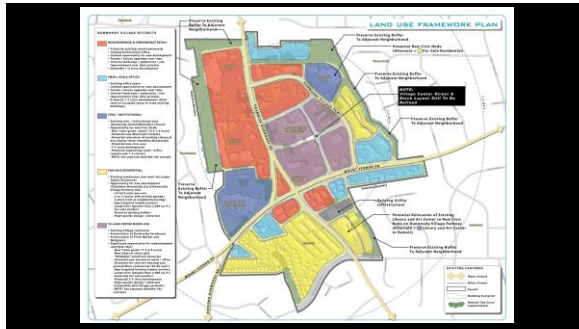


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### Small Area Studies

- Detailed Plan, LCI Plan, etc.
- Clearly defined boundaries
- Subset of the larger community and relates to the broader planning framework
  - Existing conditions
  - Issue identification
  - vision/goals, action plan

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### Small Area Study Benefits

- Provides:
  - Need & justification for land use changes
  - Details to prepare ordinances
  - More certainty for developers
- Identifies specific infrastructure needs & costs
- Establishes
  - Public support for plan and
  - Acceptance of new developments
- More informed and supportive elected officials

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### Zoning

- "The legal power of government to regulate the use of private property for the purpose of protecting the public health, safety, morals, and general welfare."
- Includes zoning map and zoning ordinance
- Zoning regulates what can go where



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### Zoning Ordinance

- The zoning regulations include the ordinance, zoning map and records of rezoning decisions (often with conditions).
- District requirements – uses, lot size, size of structures, special uses, parking, etc
- Site design – other requirements such as setbacks, lot coverage, height, FAR, etc.

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### Why Zoning?



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### National Model Created in 1921

The Standard Acts

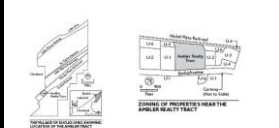
- Commerce Secretary Herbert Hoover creates advisory committee in 1921 to draft model state zoning, planning enabling acts



Source: Department of Commerce, Bureau of Economic Warfare, Division of Economic Warfare, Division of Economic Warfare, Division of Economic Warfare

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### Zoning is Constitutional



1926—*Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, upholds constitutionality of zoning

Source: Department of Commerce, Bureau of Economic Warfare, Division of Economic Warfare, Division of Economic Warfare, Division of Economic Warfare

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### Zoning is Constitutional

- Georgia Constitution – 1983 – Article. 9
  - The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power.<sup>1,2</sup>

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### Benefits of Zoning


- Minimizes incompatible land uses
- Increases predictability
- Protects property values
- Allows for coordinated planning for roads, utilities, schools, etc.



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### Drawbacks of Zoning

Following WWII, planners kept adding more zoning categories, further segregating daily needs



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### When Zoning Fails: what scale is your community?



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**When Zoning Fails:**  
what kind of place are we creating?



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**Improper use of Zoning can kill a city through Vertical & Horizontal Overexpansion**



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**Rezoning**

- Changing property permanently from one zone to another;
- Zoning Map
- Records of Zoning Decisions
- District Requirements
  - Uses, Lot Size, Parking, Special Uses
- Site Design
  - Density
  - Lot Coverage
  - Setbacks
  - Building Height



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### Zoning Conditions

- Conditional Use –
  - Requires special permission for certain uses within a specific zoning classification

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### Variance


- Permission to deviate from usual zoning regulations (setback, height, etc.) because of unusual and unnecessary hardship
- Zoning Board of Appeals (ZBA, BZA, ZRB, Etc.)
  - Decision-making body for variances and administrative appeals
  - Quasi-judicial actions
  - Appeals are to Georgia Superior Court



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### Other Tools ?

- Planned Unit Development regulations (PUD)
- Subdivision regulations
- Overlay Ordinances
- Form Based Codes



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### Planned Unit Development (PUD)

- A designed grouping of varied and compatible land uses within one contained development
  - Can include housing, recreation, office and commercial components
- Can regulate
  - Building placement and form
  - Landscaping
- Flexibility
- More difficult to manage
- Decreases predictability



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### Subdivision Regulation

- GA Plat Act (O.C.G.A. 15-6-67)
- Administrative Requirements
- Hearing requirements
- 1. Preliminary Plat
    - First draft
    - Infrastructure design review
  2. Final Plat
    - Legal creation of lots



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### Sign Ordinance

- Regulations for signs – on-premise, off-premise, permanent, temporary, etc.
- First Amendment issues; can regulate based on reasonable time, place, and manner
- Size, shape and location restrictions on signs upheld by Supreme Court



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### Design Regulations

- Regulate how things look
- Architectural style
- Roof design
- Façade
- Streets, sidewalk, furniture
- Landscaping
- Parking areas
- Drainage and buffers



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### Overlay Districts

- Provides additional regulations distinct from (or in lieu of) existing zoning districts
- Ability to cater standards to unique situations
  - May be more restrictive – e.g. less impervious surface area in a watershed
  - May require specific features – design elements, workforce housing, mixed use
- Does not unnecessarily impact existing zoning

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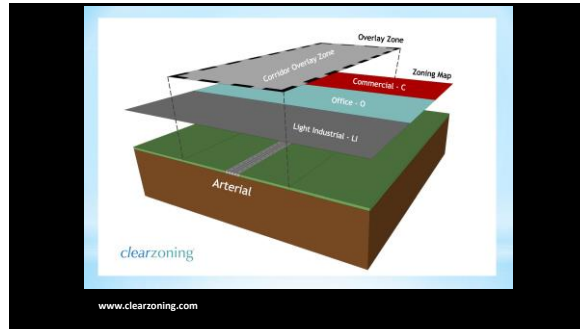
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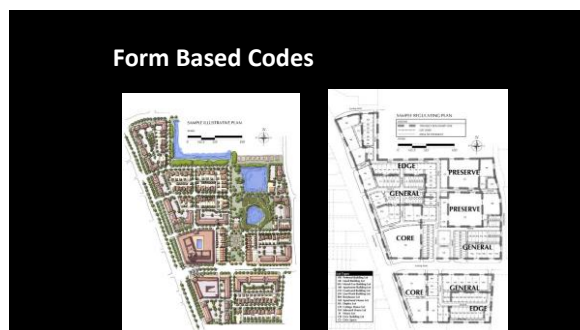


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### Form Codes or Smart Code

- A method of regulating development to achieve a specific character.
- Seeks to create a predictable “public realm” by controlling building types/streets with a lesser focus on land use.
- Address the relationship between buildings and streets/parks (public realm), types of streets and blocks.
- Presented in both diagrams and words, keyed to a regulating plan that designates the appropriate form and scale of development.

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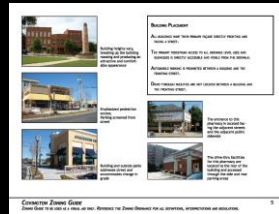
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## Building Placement



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## Building Placement




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## Open Space



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### Open Space



**Open Space**

Open space is a key element of a community's character and quality of life. It provides a place for recreation, relaxation, and social interaction. Open space can be found in many forms, including parks, plazas, and greenways. The following table provides a summary of the different types of open space and their characteristics.

Type of Open Space	Characteristics	Examples
Park	Large area of land with trees, grass, and other vegetation. Often used for recreation and relaxation.	Central Park, New York City
Plaza	Open area in front of a building or group of buildings. Often used for social interaction and recreation.	Times Square, New York City
Greenway	Linear strip of land with trees and vegetation. Often used for recreation and transportation.	High Line, New York City

**Conservation Strategy**

Conservation strategy is a plan for the long-term protection and management of natural resources. It is a key element of a community's sustainability plan. The following table provides a summary of the different types of conservation strategy and their characteristics.

Type of Conservation Strategy	Characteristics	Examples
Wildlife Conservation	Protection of natural habitats and wildlife. Often involves the creation of reserves and the implementation of conservation programs.	Yellowstone National Park, Wyoming
Water Conservation	Protection of water resources and the implementation of conservation programs. Often involves the creation of water reserves and the implementation of conservation programs.	Grand Canyon National Park, Arizona
Land Conservation	Protection of land resources and the implementation of conservation programs. Often involves the creation of land reserves and the implementation of conservation programs.	Adirondack Park, New York

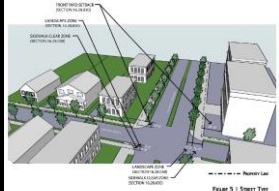
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### Street Type



**Street Type**

Street type is a key element of a community's character and quality of life. It determines the width, layout, and function of a street. The following table provides a summary of the different types of street and their characteristics.

Street Type	Characteristics	Examples
Main Street	Wide street with multiple lanes. Often used for commercial and residential development.	Broadway, New York City
Side Street	Narrower street that runs parallel to the main street. Often used for residential development.	Madison Avenue, New York City
Cul-de-sac	Dead-end street that is used for residential development.	Central Park West, New York City

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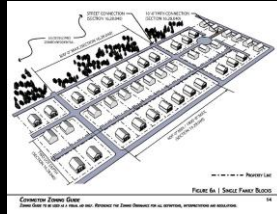
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### Block Size and Connectivity



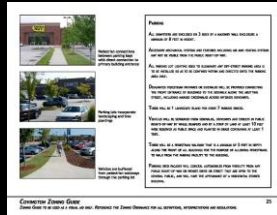
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### Parking Location and Access



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### Parking Location and Access



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### The Bottom Line

- Plans are a guide, codes are the law
- Staff, Boards and Commissions must be:
  - objective
  - consistent
  - rely upon plans, codes, and the facts
- Working Sessions vs. Hearings
- Plans and Codes are living documents and must adjust to changing conditions
- Implementation and enforcement are vital

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